



**CITY OF COLUMBUS
BOARD OF ZONING APPEALS
(September 23, 2014 Meeting)**

STAFF REPORT

Docket No. / Project Title: C/DS-14-27 (Ricker's Gas Station)
Staff: Melissa Begley

Applicant: Ricker's Oil
Property Size: 3.74 Acres
Current Zoning: CC (Commercial: Community)
Location: South side of SR 58, approximately 1,000 feet west of I-65, in the City of Columbus.

Background Summary:

The applicant has indicated that the proposed variance from Zoning Ordinance Section 7.3(Part 2)(A) is for the purpose of requesting relief from installing a public sidewalk along the SR 58 frontage of the subject property.

Preliminary Staff Recommendation:

Approval, all criteria have been met.

Zoning Ordinance Considerations:

District Intent: The intent of the CC (Commercial: Community) zoning district is as follows: to establish appropriate locations for a variety of businesses providing a variety of goods and services to (1) community-wide consumers and (2) those who travel through or visit the area. This zoning district is not intended for use along traffic corridors, but should instead be applied at significant intersections along major transportation routes.

Development Standards: Zoning Ordinance Section 7.3(Part 2)(A) states that all development in Multi-Family Residential, Commercial, Public/Semi-Public, and Industrial zoning districts shall provide public sidewalks in all adjoining street and road rights-of-way.

Current Property Information:	
Land Use:	Undeveloped
Site Features:	Grassy field, gravel driveway to an adjacent home
Flood Hazards:	No flood hazards exist on this property.
Vehicle Access:	SR 58 (Arterial, Industrial, Suburban)

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	CC (Commercial: Community) I-1 (Industrial: Light)	Marathon Gas Station Cummins Industrial Facility
South:	AP (Agriculture: Preferred)	Large lot single family residential
East:	AP (Agriculture: Preferred)	Large lot single family residential
West:	CC (Commercial: Community)	Vacant

Interdepartmental Review:	
City Engineering:	No comments received.
City Utilities:	No comments received.

Planning Consideration(s):

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. The site is currently an undeveloped parcel of land. The applicants are interested in developing this property into a gas station and are requesting to waive the requirement to install sidewalks along SR 58.
2. State Road 58 is an Arterial, Industrial, Suburban Street that connects International Drive with Interstate I-65. This road is largely used by industrial traffic to and from the Woodside Northwest and Woodside South Industrial parks from I-65.
3. The nearest sidewalk is located 1.8 miles northeast of the subject property along CR 175 West at the Bartholomew County REMC site.
4. The City of Columbus Comprehensive Plan recognizes sidewalks as an integral part of the City's transportation network. Policy A-2-15 of the Plan encourages sidewalks in all areas of the community and urges their installation in new developments.
5. Several properties along SR 58 have been developed without sidewalks, likely because sidewalks were not required at the time of development. A comprehensive, specifically designed project will likely be required to create a network of sidewalks in this area.

Provisional Findings of Fact/Decision Criteria:

The Board of Zoning Appeals may approve or deny variances from the development standards of the City of Columbus Zoning Ordinance. The Board may impose reasonable conditions as part of an approval. A variance from the development standards may only be approved upon a determination in writing that:

1. **The approval will not be injurious to the public health, safety, morals, and general welfare of the community.**

Provisional Findings: The absence of sidewalks along the frontage of the subject property will not be injurious to the public health or safety of the community. The nearest sidewalk is over 1.8 miles away and therefore omitting a sidewalk at this location will not create a gap in the existing pedestrian system. *This criterion has been met.*

2. **The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.**

Provisional Findings: Adjacent properties on SR 58 do not have public sidewalks. An absence of a sidewalk will therefore not create a gap in the existing sidewalk network. The use and value of the adjacent properties will not be affected. *This criterion has been met.*

3. **The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.**

Provisional Findings: Due to the existing developed properties that do not have sidewalks, the installation of sidewalks in this area will only likely be established with a comprehensive street or trail improvement project. *This criterion has been met.*

Board of Zoning Appeals Options:

In reviewing a request for development standards variance the Board may (1) approve the petition as proposed, (2) approve the petition with conditions, (3) continue the petition to a future meeting of the Board, or (4) deny the petition (with or without prejudice). Failure to achieve a quorum or lack of a positive vote on a motion results in an automatic continuance to the next regularly scheduled meeting.

Columbus – Bartholomew County Planning Department
Development Standards Variance Application

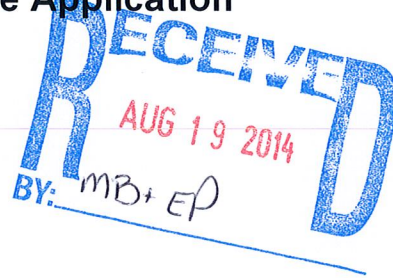
Planning Department Use Only:

Jurisdiction: ☒ Columbus ☐ Bartholomew County

Zoning: _____

Docket No.: C/DS-14-27

Hearing Procedure: ☐ Hearing Officer ☐ Board of Zoning Appeals



Development Standards Variance Application:

Applicant Information (the person or entity that will own and/or execute what is proposed):

Name: Ricker's Oil - Travis C. Smith

Address 30 West 11th Street, Anderson, Indiana 46016
(number) (street) (city) (state) (zip)

Phone No.: 765-643-3016 Fax No.: 765-642-7323 E-mail Address: tsmith@rickers.net

Property Owner Information (the "owner" does not include tenants or contract buyers):

Name: Indusites, Inc. - Mark A. Pratt

Address 700 Washington Street, Columbus, Indiana 47201
(number) (street) (city) (state) (zip)

Phone No.: 812-376-9300 Fax No.: 812-378-1706 E-mail Address: mpratt@breedencommercial.com

Notification Information (list the person to whom all correspondence regarding this application should be directed):

Name: William S. Riggert, PE, Bledsoe Riggert Guerettaz

Address 1351 W. Tapp Road, Bloomington, Indiana 47403
(number) (street) (city) (state) (zip)

Phone No.: 812-336-8277 Fax No.: 812-336-0817 E-mail Address: wriggert@brgcivil.com

How would you prefer to receive information (please check one): ☒ Email ☐ Phone ☐ Fax ☐ Mail

Property Information:

Address _____
(number) (street) (city) (state) (zip)

or General Location (if no address has been assigned provide a street corner, subdivision lot number, or attach a legal description):

South side of SR-58 approximately 1,000 feet west of I-65

Variance Requested:

I am requesting a variance from Section 7.3 Part 2-A, Pedestrian Circulation of the Zoning Ordinance to allow the following:

That no sidewalks be constructed along SR-58.

Variance Request Justification:

The Indiana Code and the Columbus & Bartholomew County Zoning Ordinance establish specific criteria that must be met in order for a development standards variance to be approved. Describe how the variance request meets each of the following criteria.

The approval will not be injurious to the public health, safety, morals, and general welfare of the community.

There are no sidewalks that currently exist along SR-58. Constructing sidewalks along the road frontage of this property will not provide a means of pedestrian circulation to adjoining properties or beyond. Constructing a sidewalk along SR-58 may present a safety issue. Approval of this request to not require sidewalks will not be injurious to the public health, safety, morals, and general welfare of the community.

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

There should be no affect to the use and value of the area adjacent to the property if sidewalks are not constructed along SR-58; as there are no other sidewalks to connect to.

The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property. This situation shall not be self-imposed; nor be based on a perceived reduction of, or restriction on, economic gain.

The strict application of the terms of the Zoning Ordinance will require placement of sidewalk along SR-58. This will lead pedestrians to adjacent properties that do not have sidewalks and will place pedestrians in a potentially unsafe condition along SR-58 resulting in potential liability issues for the Owner of the property and business.

Application Fee Refund Information:

The adopted Planning Department Schedule of Application Fees provides for the refunding of application fees for this request if it is approved by the Board of Zoning Appeals. The refund will be provided by mail in the form of a check. It may take several weeks after the Board of Zoning Appeals approval to process the refund and issue the check. Please indicate to whom the refund should be provided:

Name: Bledsoe Riggert Guerettaz

Address 1351 W. Tapp Road, Bloomington, Indiana 47403
(number) (street) (city) (state) (zip)

Applicant's Signature:

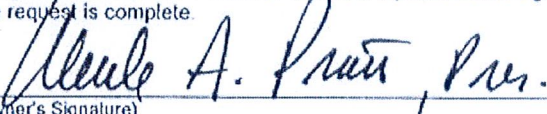
The information included in and with this application is completely true and correct to the best of my knowledge and belief.


(Applicant's Signature)

8-19-14
(Date)

Owner's Signature (the "owner" does not include tenants or contract buyers):

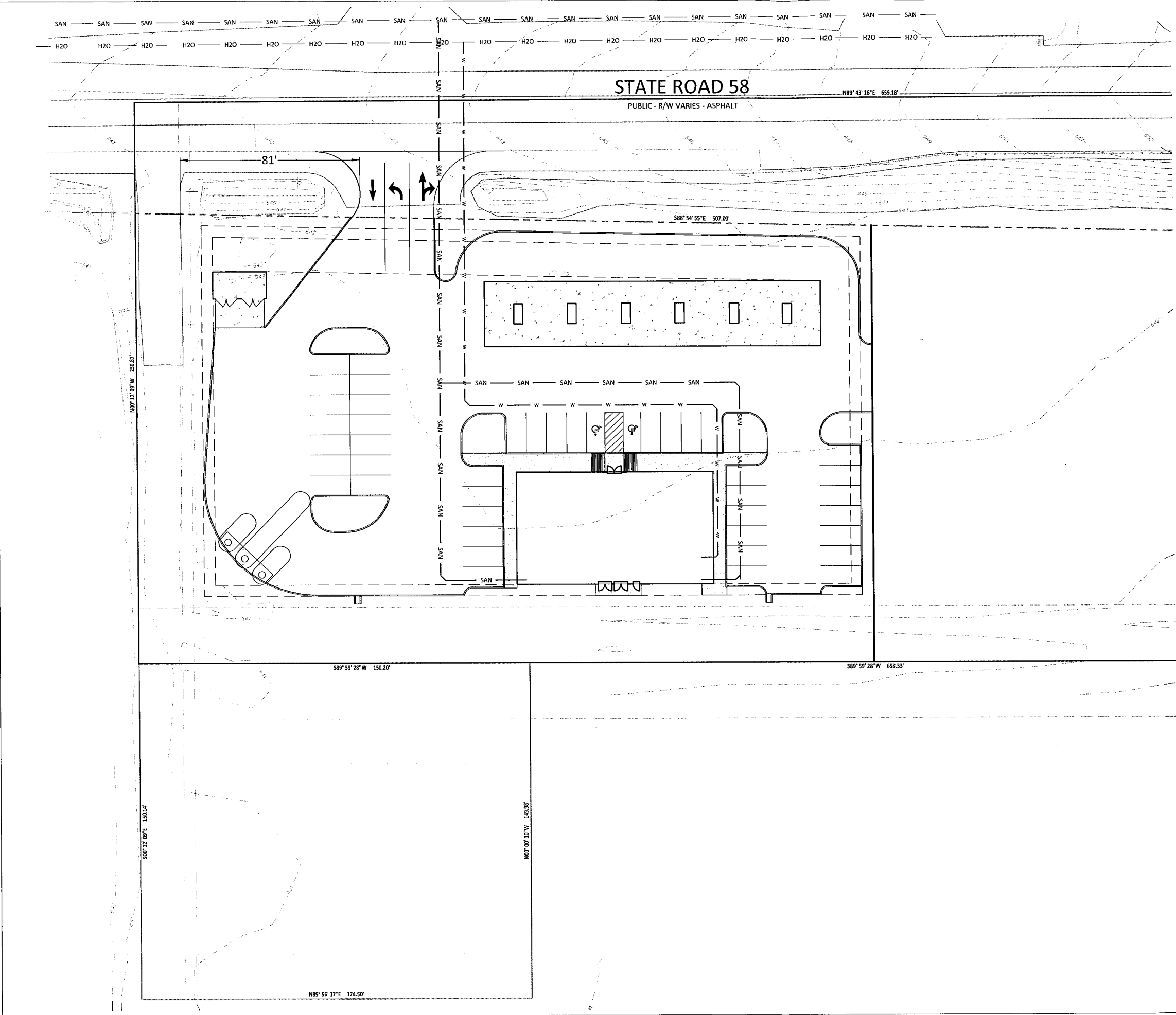
I authorize the filing of this application and will allow the Planning Department staff to enter this property for the purpose of analyzing this request. Further, I will allow a public notice sign to be placed and remain on the property until the processing of the request is complete.


(Owner's Signature)

8/19/14
(Date)

(Owner's Signature)

(Date)



GENERAL NOTES

1. ALL DIMENSIONS ARE TO FACE OF CURB, POINT OF TANGENCY, EDGE OF PAVEMENT, OR EDGE OF WALK, UNLESS OTHERWISE NOTED. ALL RADII ARE TO FACE OF CURB UNLESS NOTED OTHERWISE. CURB AND WALL COORDINATES ARE TO THE BACK, UNLESS NOTED OTHERWISE. COORDINATE DIMENSIONS WITH ARCHITECTURAL DRAWINGS AND CENTER SIDEWALKS WITH RESPECTIVE ENTRANCES. CONTRACTOR SHALL NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO BEGINNING WORK.
2. CONTRACTOR IS REQUIRED TO VERIFY FIELD CONDITIONS AND NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO BEGINNING WORK.
3. ALL DISTURBED AREAS SHALL RECEIVE 6" OF TOP SOIL, MULCH AND SEED OR BE IMPROVED AS NOTED OTHERWISE.
4. REFER TO PLAN FOR DETAILS CORRESPONDING TO PLAN NOTES.
5. SIGNAGE AND PAVEMENT MARKINGS SHALL COMPLY WITH THE INDIANA MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
6. ALL STREET CUTS FOR UTILITIES AND OTHER IMPROVEMENTS SHALL BE REPAIRED TO MATCH EXISTING PAVEMENT SECTION OR BETTER.

PLAN NOTES

LEGEND

- LIMITS HEAVY DUTY CONCRETE
- LIMITS OF 4" CONCRETE SIDEWALK
- LIMITS OF PUMP AREA CONCRETE
- LIMITS OF PAVEMENT STRIPING, 2" ON CENTER



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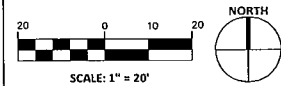
BLOOMINGTON BEDFORD PAOLI

PRELIMINARY
NOT FOR
CONSTRUCTION

RICKER'S COLUMBUS

BRG Project No: 8281

SITE IMPROVEMENT PLAN



Date: 08-19-2014 Issue: NOT FOR CONSTRUCTION

REVISION SCHEDULE		
Rev. #	Rev. Description:	Issue Date

Drawn By: DLN
Designed By: DLN
Checked By: WSR

C401